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C O N F I D E N T I A L SECTION 01 OF 03 PARIS 000952

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [PINR](#) [TO](#) [FR](#)

SUBJECT: TOGO: FRENCH SUPPORTERS OF EYADEMA INVOLVED IN
SUCCESSION ISSUE; FURTHER STATEMENTS BY MFA

REF: LOME 148

Classified By: Political Minister-Counselor Josiah Rosenblatt for reasons 1.4 (b/d).

1. (C) SUMMARY: Reftel notes the current involvement of two French figures in the succession controversy following Togolese President Eyadema's death, Charles Debbasch and Michel Scarbonchi. Both are well-known longtime supporters and advisors of the former President, and both have had recent legal problems involving charges of financial improprieties. The MFA on February 11 and 14 made further statements about the situation in Togo, the latter mentioning Debbasch and stressing that his involvement in Togo was strictly on a personal basis. END SUMMARY.

2. (C) Both French lawyer Charles Debbasch and former French European Parliament Deputy Michel Scarbonchi have been actively involved in Togo's affairs for a number of years, Debbasch occupying a position of influence as an advisor to former President Eyadema, and Scarbonchi described as the Togo regime's "lobbyist" at the European Parliament. As noted below, Debbasch has previously worked on succession issues for the Eyadema regime, may be offering similar advice to the new regime, and may/may have provided guidance when the Constitution was "revised" shortly after Eyadema's death to accommodate Faure Gnassingbe's accession to power. Based on refel and on a number of press reports surfacing since Eyadema's death, both appear to want to maintain influence with the new regime and evidently traveled to Togo in haste after Eyadema's death. The following bio data provide background on the two and may shed light on their activities and motivations.

3. (U) CHARLES DEBBASCH: According to publicly available bio data, Debbasch was born in Tunis in 1937 and has had a long career as a lawyer. He teaches law at the University of Law, Economy, and Political Science at Aix-Marseille, where he has been honorary dean of the faculty of law and political science since 1973, and honorary president since 1978. He served as a technical counselor in the secretariat of the French Presidency from 1978-1981 (during Giscard d'Estaing's presidency). He has taught and lectured at several other institutions over the years. Debbasch is an editor and advisor at "Jeune Afrique-l'Intelligent." He has also served as the legal counselor of the President of Togo since 1993. Debbasch has written numerous books and articles and has received many awards and decorations.

4. (SBU) Debbasch had apparently worked earlier with Eyadema on succession issues. In October 2003, he was reportedly exploring ways to revise or devise an interpretation of Togo's constitution that would allow Eyadema's son to succeed him in the event of the president's death or incapacity. At issue then was Article 65 of the constitution, which is the same provision in question now that Eyadema has died and his son has been named to succeed him,

5. (SBU) Debbasch has had a number of legal problems that some have attempted to link to his connections with Togo. From 1981-1991, he was president of the Fondation Vasarely, dedicated to the artist Victor Vasarely. In December 2002, Debbasch stood trial after being accused by Vasarely's family of "breach of trust," the family claiming that some 42 million FF (then worth about 5.75 million USD) was missing from the foundation and that seven major paintings by Vasarely had disappeared. Debbasch had succeeded in delaying the trial for six years, but according to a December 2002 press report, would "have to give the judge of the . . . court an explanation about the transfer of 2.3 million FF to the Swiss bank account of a Panama-based company as well as important deposits in cash made in the bank account of his mistress, renovation works in his house, the financing of a local radio station, travels to Hong Kong and salaries to several secretaries all paid by the Foundation."

6. (SBU) Although apparently having succeeded in delaying the trial, Debbasch attempted to quash it by pleading that the case had gone on too long. This motion was rejected by the European Court of Human Rights in December 2002, after which his trial began. Debbasch was convicted in January 2003 and sentenced to three years, including one year of mandatory prison time. However, press reports indicate that in August 2004, the case was partially reversed on appeal,

including the prison sentence. The appellate court ruled that Debbasch should be retried by another panel of judges. The present status of the case is not clear. At the time of the partial reversal, Debbasch continued to assert that he was the victim of the Vasarely family's machinations and that the family was guilty of whatever misdeeds took place.

17. (SBU) During the time of Debbasch's legal problems with the Vasarely family, investigators reportedly discovered an account in Luxembourg connected to Debbasch, which held 1.2 million Euros. This account was apparently opened in 1997, when the investigation into the Vasarely case was beginning to accelerate. A press report in Le Parisien (April 19, 2003) states that the Luxembourg account was transferred to an associate of Debbasch in April 2002 and appeared to contain sums representing "honoraria" paid to Debbasch by the government of Togo along with possible funds connected to the Vasarely affair.

18. (U) Le Figaro reports that Debbasch arrived in Lome on Sunday, February 13, apparently to advise Faure Gnassingbe. Le Figaro noted that he arrived on Sunday even though Togo's borders were officially closed, which "indicated the importance of Charles Debbasch to the presidential entourage."

19. (U) MICHEL SCARBONCHI: Scarbonchi, until recently a French Deputy of Corsican origin to the European Parliament, is also a long-standing supporter of the Eyadema regime. Scarbonchi represented the Paris suburb of St. Germain en Laye at the Parliament. One Togo-related media source (ufctogo.com) described him as "a lobbyist of Eyadema at the European Parliament" but claimed that he had little influence. Then-Deputy Scarbonchi in October 2003 called for the EU to resume without delay its cooperation with Togo. He stated then that "in order to have democracy, a country must live normally. But with the EU sanctions, this country is impoverished and the people are made hungry. We should no longer practice this type of policy, which is shown to have its limits."

110. (SBU) Scarbonchi too has had his legal problems. In May 2003, when he was still a European Parliament Deputy, Scarbonchi was investigated for financial improprieties allegedly involving local VAT funds. There is no indication, however, that further legal proceedings against him took place regarding this matter.

111. (U) MFA ON TOGO (February 11) (informal Embassy translation):

BEGIN TEXT:

-- After the death of President Eyadema, France affirmed the need to maintain respect for the law. France expressed its concern in this regard by recalling the importance it places on the rapid organization of free and democratic elections, in order to bring to an end the transition that has thus been opened.

-- France also signaled the need to pursue the process of democratization, initiated under the aegis of President Eyadema, within the framework of dialogue between Togo and the European Union.

-- In this context, we support the position of ECOWAS and the decision at the special summit at Niamey, to send to Lome, this very day, a high-level delegation. France will take into account with great attention the recommendations that will be made by the Chiefs of State of the West African countries who have received their mandate from ECOWAS for their trip to Lome.

-- QUESTION: Just one question on Togo. How would you qualify the status of the present government? You say a transition has been opened but so long as no elections have been organized, no free and transparent elections, it is beyond legality, beyond the law of any sort?

-- ANSWER: It's not for me to qualify this juridically. What is clear is that one must maintain respect for legality and that, effectively, one must rapidly organize free and democratic elections. I cannot say anything more, but you will have all the same observed the text of the declaration yesterday of the European Union on this subject, which, clearly, involves also France.

END TEXT.

112. (U) MFA ON TOGO (February 14) (informal Embassy translation):

BEGIN TEXT:

-- QUESTION: Can you restate France's position regarding Togo? What is the role of Professor Debbasch?

-- ANSWER: I will restate for you France's position, already expressed several times by the Presidency of the Republic and the Quai d'Orsay.

-- Holding presidential and legislative elections that are free and democratic, within the shortest time-frame, is the only way to allow a return to the path of legality.

-- ECOWAS, whose position we support fully, is today seized with this difficult issue. It is ECOWAS's responsibility to define the precise modalities for the process of overcoming the crisis.

-- As for Mr. Debbasch, this involves a professor of law, of French nationality, who represents only himself and who is in Togo in a personal capacity.

-- QUESTION: Does France envision sanctions against the new regime in Togo, after the condemnations expressed in Paris and by ECOWAS, notably denouncing the illegality of the succession following President Eyadema's death?

-- ANSWER: As I just said, we fully support the positions of ECOWAS.

END TEXT.

13. (U) Abidjan minimize considered.
Leach